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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,336	02/24/2000	Seiichi Fukuda	SON-1745	5387

7590

06/09/2003

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EXAMINER

CHEN, KIN CHAN

ART UNIT

PAPER NUMBER

1765

DATE MAILED: 06/09/2003

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/512,336

Applicant(s)

FUKUDA, SEIICHI

Examiner

Kin-Chan Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ha et al. (US 6,146,542) in view of Cathey, Jr (US 5,024,722) or Hattori et al. (US 5,846,886; hereinafter "Hattori").

In a dry etching method, Ha teaches that tungsten film in its entire thickness as originally formed may be dry etched with mixed gas containing fluorine gas, chlorine or hydrogen bromide, oxygen and nitrogen (col. 3, lines 34-65; Fig. 4A-4B).

Ha does not explicitly state that the gas containing fluorine gas may include a compound having fluorine and carbon in a molecule. In a method of etching a tungsten layer, Cathey, Jr. (col.6, lines 50-54) or Hattori (col. 1, lines 49-50; col. 2, lines 55-60) teaches that fluorine containing gas may be CF₄, NF₃, or SF₆. It would be obvious to use CF₄ to etch tungsten rather than using NF₃, or SF₆ in Ha's process because Cathey, Jr. (col.6, lines 50-54) or Hattori teaches the equivalence among these etchants for etching tungsten. The substitution of one for the other would have expected to provide an expected result. Furthermore, Ha, Cathey, Jr. and Hattori are using these etchants for the same purpose of etching a tungsten layer.

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" It is prima facie obvious to use two compositions each of which is taught by the prior art to be useful for the same purpose. " In re Kerkhoven 205 USPQ 1069 (CCPA 1980). In re Susi 169 USPQ 423, 426 (CCPA 1971). See also Ex parte Quadranti 25 USPQ 2d 1071 (BPAI 1992).

The substitution of one known equivalent technique (material) for another may be obvious even if the prior art does not expressly suggest the substitution. *Ex parte Novak* 16 USPQ 2d 2041 (BPAI 1989); *In re Mostovych* 144 USPQ 38 (CCPA 1964); *In re Leshin* 125 USPQ 416 (CCPA 1960); *Graver Tank & Manufacturing Co. v. Linde Air Products Co.* 85 USPQ 328 (USSC 1950).

3. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha in view of Cathey, Jr or Hattori as applied to claim 1 above, and further in view of Yan et al. (US 6,296,780 B1; hereinafter "Yan").

The discussion of the combined references of Ha, and Cathey, Jr or Hattori from above is repeated here.

In a method of fabricating a semiconductor device, Ha teaches laminating upwards a polycrystal silicon film or an amorphous silicon film, a tungsten nitride film or a titanium nitride film and a tungsten film on a silicon substrate (Col.3, lines 30-39). The tungsten nitride or the titanium nitride and the tungsten film may be dry etched with mixed gas containing fluorine-containing gas and chlorine or hydrogen bromide, oxygen and nitrogen (col. 3, lines 40-64; col.4, lines 1-3; Fig. 4A-4B).

Ha does not explicitly state that for etching titanium nitride film, the gas containing fluorine gas may include a compound having fluorine and carbon in a

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molecule. In a method for etching titanium nitride film, Yan teaches using a gas comprising fluorine-containing gas that includes a compound having fluorine and carbon in a molecule (col. 4, lines 6-22) Yan teaches that to do so to reach effective etching and has good CD control (col. 3, lines 30-32). Hence, it would have been obvious to one with ordinary skill in the art to use the compound having fluorine and carbon in a molecule as taught by Yan in the composition of the etchant of modified Ha, and Cathey, Jr or Hattori for etching titanium nitride film and tungsten film in order to reach effective etching and has good CD control.

Ha is not particular about the semiconductor device being fabricated in the dry etching method, therefore, a conventional feature of a semiconductor device such as gate electrode may be formed using a mask of silicon oxide or silicon nitride because it is conventional in the art of semiconductor device fabrication. It is noted that applicant did not traverse the aforementioned conventionality of features, which have been stated in the office action in Paper No. 4.

As to claim 5, Ha teaches that the polycrystal silicon film or the amorphous silicon film may be etched with gas, which does not contain fluorine (col.4, lines 25-26).

Response to Arguments

4. Applicant's arguments filed May 14, 2002 have been fully considered but they are not persuasive.

Applicant has argued that there is no teaching in the prior art for combining the known gases. In response, as has been stated in the office action, it would be obvious to use CF_4 to etch tungsten rather than using NF_3 , or SF_6 in Ha's process because Cathey, Jr. (col.6, lines 50-54) or Hattori teaches the equivalence among these etchants for etching tungsten. The substitution of one for the other would have expected to provide an expected result, also see case law cited above. Furthermore, Ha, Cathey, Jr. and Hattori are using these etchants for the same purpose of etching a tungsten layer, also see case law cited above.

Applicant has argued that neither Cathey nor Hattori teach or suggest using nitrogen. As stated in the office action, Ha teaches that tungsten film may be dry etched with mixed gas containing fluorine gas, chlorine or hydrogen bromide, oxygen and nitrogen.

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In re Merk & Co., Inc., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

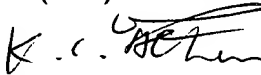
Applicant has argued that Yan teaches etching TiN ARC layer but does not mention etching tungsten. As stated in the office action, Ha teaches that tungsten film may be dry etched with mixed gas containing fluorine gas, chlorine or hydrogen bromide, oxygen and nitrogen. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kin-Chan Chen whose telephone number is (703) 305-0222. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech can be reached on (703) 308-3836. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2934.


Kin-Chan Chen
Primary Examiner
Art Unit 1765

K-CC
June 4, 2003.